



Paper No. 11

TED R RITTMASER  
FOLEY & LARDNER  
2029 CENTURY PARK EAST  
SUITE 3500  
LOS ANGELES CA 90067-3021

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In re Application of :  
Scherr, et al. :  
Application No. 09/826,323 : DECISION ACCORDING STATUS  
Filed: April 4, 2001 : UNDER 37 CFR 1.47(a)  
Attorney Docket No. 041892-0209 :

This is in response to the petition pursuant to 37 CFR 1.47(a),  
filed January 11, 2002.

The petition under 37 CFR 1.47(a) is **GRANTED**

The above-identified application was filed on April 4, 2001,  
without the filing fee or an executed oath or declaration.  
Accordingly, on June 4, 2001, the Initial Patent Examination  
Division mailed a Notice to File Missing Parts of Nonprovisional  
Application. This Notice set a two month period for reply.

In reply, applicant filed the instant petition (and fee) and paid  
the filing fee together with the surcharge for late filing of the  
declaration. To make timely this reply, applicant obtained a  
four month extension of time and included a Certificate of  
Mailing dated December 4, 2001. Applicant included a declaration  
signed by co-inventors Scott Jeffrey Sherr, Eva Miranda, Ira  
Steven Rubenstein, Sean Brennan Carey, Yair Landau, Andrew C.  
Frank, Bryan Gentry Spaulding, Seth David Palmer, Bruce Forest,  
and Steven Koenig. The declaration lacked signatures from co-  
inventors Brian David Lakamp, Charles Jonathan Evans, Everton  
Anthony Schnabel, Hartmut Ochs, Jeremy Eli Barnett, Todd Michael  
Henderson, and William W. Chong.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof  
that the non-signing inventor cannot be reached or refuses to  
sign the oath or declaration after having been presented with the  
application papers (specification, claims, drawings, oath or  
declaration); (2) an acceptable oath or declaration in compliance  
with 37 CFR 1.63; (3) the petition fee; and (4) a statement of  
the last known address of the non-signing inventors.

On petition, attorney Ted R. Rittmaster included a declaration of  
facts in which he detailed the efforts taken to transmit the  
application papers to the non-signing inventors. Also included  
on petition were, *inter alia*, copies of the cover letters to each  
of the non-signing inventors, transmitting the application  
papers. According to Rittmaster, no declarations from the non-

signing inventors have been received.

The declaration filed January 11, 2002 and the petition have been reviewed and found to be in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being returned to the Office of Initial Patent Examination for continuation of pre-examination processing.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Cliff Congo at (703) 305-0272.

*Christina P. Donnell for*

Beverly M. Flanagan  
Supervisory Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy



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WILLIAM W CHONG  
20 CONFUCIUS PLAZA #18M  
NEW YORK NY 10002

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**OFFICE OF PETITIONS**

In re Application of :  
Scherr, et al. :  
Application No. 09/826,323 :  
Filed: April 4, 2001 :  
Title: ONLINE DIGITAL VIDEO SIGNAL :  
TRANSFER APPARATUS AND METHOD :

LETTER

Dear Mr. Chong:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 USC 116 and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, agent of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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*Christina L. Donnell for*

Beverly M. Flanagan  
Supervisory Petitions Examiner  
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Ted R. Rittmaster  
Foley & Lardner  
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Los Angeles, California 90067-3021



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TODD MICHAEL HENDERSON  
2249 VETERAN AVE  
LOS ANGELES CA 90064

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In re Application of :  
Scherr, et al. :  
Application No. 09/826,323 :  
Filed: April 4, 2001 :  
Title: ONLINE DIGITAL VIDEO SIGNAL :  
TRANSFER APPARATUS AND METHOD :

LETTER

Dear Mr. Henderson:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 USC 116 and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

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*Christina T. Donnell for*

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JEREMY E BARNETT  
563 VIA DE LA PAZ  
PACIFIC PALISADES CA 90272

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In re Application of :  
Scherr, et al. :  
Application No. 09/826,323 :  
Filed: April 4, 2001 :  
Title: ONLINE DIGITAL VIDEO SIGNAL :  
TRANSFER APPARATUS AND METHOD :

LETTER

**OFFICE OF PETITIONS**

Dear Mr. Barnett:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 USC 116 and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

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*Christina P. Donnell for*

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Supervisory Petitions Examiner  
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Office of the Deputy Commissioner  
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Foley & Lardner  
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LOS ANGELES CA 90026

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**OFFICE OF PETITIONS**

In re Application of  
Scherr, et al.  
Application No. 09/826,323  
Filed: April 4, 2001  
Title: ONLINE DIGITAL VIDEO SIGNAL  
TRANSFER APPARATUS AND METHOD

LETTER

Dear Mr. Ochs:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 USC 116 and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, agent of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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*Christina L. Donnell*

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EVERTON ANTHONY SCHNABEL  
428 NORTH LAUREL AVE  
LOS ANGELES CA 90048

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OFFICE OF PETITIONS

In re Application of :  
Scherr, et al. :  
Application No. 09/826,323 :  
Filed: April 4, 2001 :  
Title: ONLINE DIGITAL VIDEO SIGNAL :  
TRANSFER APPARATUS AND METHOD :

LETTER

Dear Mr. Schnabel:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 USC 116 and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

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*Christina L. Donnell for*

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CHARLES JONATHAN EVANS  
55 WEST 14TH ST  
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NEW YORK NY 10011

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**OFFICE OF PETITIONS**

In re Application of :  
Scherr, et al. :  
Application No. 09/826,323 :  
Filed: April 4, 2001 : LETTER  
Title: ONLINE DIGITAL VIDEO SIGNAL :  
TRANSFER APPARATUS AND METHOD :

Dear Mr. Evans:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 USC 116 and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, agent of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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In re Application of :  
Scherr, et al. :  
Application No. 09/826,323 :  
Filed: April 4, 2001 :  
Title: ONLINE DIGITAL VIDEO SIGNAL :  
TRANSFER APPARATUS AND METHOD :

LETTER

Dear Mr. Lakamp:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 USC 116 and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

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*Christina Y. Donnell for*

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